IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 958 OF 2006

Shri Sandeep Ramdas Pagar
and Ors. ...Applicants.

V/s

State of Maharashtra
Through PSI, Gangapur
Police Station Nashik. ...Respondent.

Mr. Nitin Gangal for the applicants.
Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 24th March, 2006

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants were arrested in connection with C.R. No.36 of 2006 registered at Gangapur Police Station for the offence punishable under sections 498-A, 302 read with section 34 of the Indian Penal Code.

3. The deceased and the applicant No.1 got married on 16/3/2003. The prosecution case is that on 6/2/2006, the applicant poured kerosene on the person of the deceased and set her ablaze and locked her in toilet

and, thereafter, when she was completely burnt, they took her to the hospital. Her dying declaration was recorded by the Magistrate after she was admitted in the hospital in which she had stated that she had poured kerosene and set herself on fire and that nobody was to be blamed for the said incident. However, after six days, her statement was recorded in which she has alleged that the other applicants had poured kerosene on her and and the applicant No.1 had set her on fire.

4. The learned APP states that investigation is almost over and the charge-sheet would be filed within a period of one week.

5. Since there is a discrepancy in the two statements of the deceased; one which was recorded by the Special Executive Magistrate and the other which was recorded by the Police, in my view, the applicants are entitled to be released on bail.

6. The Applicants, therefore, be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. The applicants shall co-operate with the police and shall report to the police as and when they are called. The Investigating Officer may

call the applicants on any day between 11.00 a.m. and 5.00 p.m.

7. Application is accordingly disposed of.

V.M. KANADE, J.